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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 FERNANDO GALLEGOS,
13 Petitioner,
14 v.
15 ISIDRO BACA, et al.,
16 Respondents.

Case No. 3:15-cv-00254-RCJ-CLB

**ORDER GRANTING
UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
REPLY TO ANSWER
(SECOND REQUEST)**

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18 COMES NOW the Petitioner, Fernando Gallegos, by and through counsel of
19 record, Jason F. Carr, hereby files this request extension of time to file his Reply to
20 Answer. Gallegos requests that this Court grant him an extension of time of thirty-
21 three (33) days to file his Reply and Legal Memorandum in Support of Petition,
22 rendering the pleading due on or before Tuesday, March 17, 2020.

23 This motion is based upon the attached Points and Authorities and all
24 pleadings and papers on file herein.
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1 Dated: February 13, 2020.

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3 Respectfully submitted,
4 RENE L. VALLADARES
5 Federal Public Defender

6 /s/ Jason F. Carr

7 JASON F. CARR
8 Assistant Federal Public Defender
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POINTS AND AUTHORITIES

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2 1. Respondents filed their Answer on in this § 2254 habeas action on
3 November 8, 2019. (ECF No. 69.) After seeking one extension, Gallegos' Reply is due
4 on February 13, 2020. In this motion, Gallegos is requesting an extension of time of
5 thirty-three days, rendering the Reply due on **March 17, 2020**. This is a second
6 request for an extension of time.

7 2. Press of business underlies this request for a continuance including,
8 inter alia: An Amended Petition in *Finias v. Baker*, 3:19-cv-00142-LRH-CLB, that
9 counsel for Gallegos filed on February 11, 2020, an Opening Brief to the Ninth Circuit
10 Court of Appeals due on February 18, 2020, in *Ramirez v. Baker*, CA No. 19-16825;
11 and an AEDPA deadline to file a supplemental petition due by February 22, 2020, in
12 *Campbell v. Russell*, 3:19-cv-00576-MMD-WGC. Counsel for Gallegos respectfully
13 requests an extension of time to file given these obligations.

14 3. On February 13, 2020, counsel for Petitioner contacted Deputy Attorney
15 General Allison Herr. Ms. Herr does not object to this request for a continuance,
16 however, the State requests that counsel for habeas petitioners make clear that this
17 non-opposition does not signify an implied basis for tolling any applicable period of
18 limitations or the waiver of any other procedural defense. Petitioner remains
19 responsible for calculating any limitations periods and understands that, in granting
20 an extension request, the Court makes no finding or representation that the petition,
21 any amendments thereto, and/or any claims contained therein are not subject to
22 dismissal as untimely.

23 4. Counsel recognizes that this Court's reasonable interest in moving cases
24 expeditiously. I aver that this motion is not filed for the purpose of delay, but in the
25 interests of justice, as well as in the interest of Mr. Gallegos. In particular, the above-
26 mentioned *Finias* Amended Petition proved more time consuming and difficult than

1 counsel anticipated. Because of this fact and other intervening deadlines, counsel
2 respectfully requests that this Court grant the request for an extension of time to file
3 the Reply to **March 17, 2020**, in order to ensure the effective and thorough
4 representation of Mr. Gallegos in his federal habeas action.

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6 Dated: February 13, 2020.

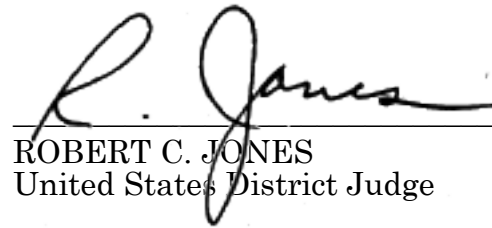
7 RENE L. VALLADARES
8 Federal Public Defender

9 /s/ Jason F. Carr

10 JASON F. CARR
11 Assistant Federal Public Defender

12 **ORDER**

13 It is hereby **ORDERED** that Petitioner Gallegos' Motion to Extend the time to file a
14 Reply to the Respondents' Answer is **GRANTED**. Petitioner shall file his Reply by
15 **March 17, 2020**.
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22 ROBERT C. JONES
23 United States District Judge

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25 Dated: March 4, 2020.
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